



MARINE MAMMAL COMMISSION

5 July 2017

Mr. Timothy J. Van Norman, Chief
Branch of Permits, MS: IA
Division of Management Authority
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, Virginia 22041-3803

Re: Permit Application No. 14763C
(National Park Service,
Glacier Bay Field Station)

Dear Mr. Van Norman:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). The National Park Service (NPS) is requesting authorization to conduct research on northern sea otters in Alaska during a five-year period.

NPS is proposing to conduct aerial and vessel-based surveys of sea otters in southeast Alaska from April through September of each year. Researchers could harass sea otters of either sex and any age class. The objectives are to (1) investigate abundance and distribution of sea otters in southeast Alaska and refine those estimates based on foraging ecology and (2) estimate sea otter activity budgets and prey consumption. NPS would implement various measures to minimize impacts on sea otters and also would be required to abide by the Fish and Wildlife Services's (FWS) standard permit conditions. Therefore, the Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that the FWS issue the permit, as requested.

FWS informed the Commission that it was considering authorizing a portion of NPS's proposed activities (i.e., the aerial surveys) under section 104(c)(3)(A) of the MMPA, also known as the 'emergency' permit provision. The Commission informally responded that it did not believe that the statutory criteria for that provision had been met. Notwithstanding the Commission's advice, FWS authorized the aerial surveys under the emergency permit provision. FWS has yet to publish notice of that permit issuance in the *Federal Register*, which the Commission anticipates will include FWS's justification for invoking the emergency permit provision. The Commission will defer deciding whether to comment specifically on FWS's use of the emergency permit provision until it reviews FWS's rationale.

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Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director